

## STATEMENT OF BASIS

as required by LAC 33:IX.3109, for draft **Louisiana Pollutant Discharge Elimination System Permit No. LA0111198; AI 25491; PER20090001** to discharge to waters of the **State of Louisiana** as per LAC 33:IX.2311.

The **permitting authority** for the Louisiana Pollutant Discharge Elimination System (LPDES) is:

Louisiana Department of Environmental Quality  
Office of Environmental Services  
P. O. Box 4313  
Baton Rouge, Louisiana 70821-4313

- I. THE APPLICANT IS:** Reliable Landfill, L.L.C.  
Livonia NOW Facility  
P.O. Box 576  
Livonia, LA 70755
- II. PREPARED BY:** Eura DeHart
- DATE PREPARED:** November 13, 2009
- III. PERMIT ACTION:** Reissue LPDES permit LA0111198  
AI 25491; PER20090001
- LPDES application received: January 30, 2009
- EPA has not retained enforcement authority.
- Previous LPDES Permit issued: July 22, 2004  
Previous LPDES Permit expired: July 31, 2009

**IV. FACILITY INFORMATION:**

- A. The application is for the discharge of stormwater runoff from a closed non-hazardous oilfield waste disposal facility.
- B. The facility is located on US Hwy. 190 in Livonia, Pointe Coupee Parish.
- C. The treatment facility consists of a series of retention ponds.
- D. Outfall 001

Discharge Location: Latitude 30° 32' 32" North  
Longitude 91° 27' 57" West

Description: stormwater runoff

Expected Flow: 1.25 MGD

Type of Flow Measurement which the facility is currently using:  
Flow Meter

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**V. RECEIVING WATERS:**

The discharge is into an unnamed tributary, thence into Bayou Grosse Tete in subsegment 120104 of the Terrebonne Basin. This segment is listed on the 303(d) list of impaired waterbodies.

The designated uses and degree of support for Segment 120104 of the Terrebonne Basin are as indicated in the table below<sup>1/</sup>:

Degree of Support of Each Use						
Primary Contact Recreation	Secondary Contact Recreation	Propagation of Fish & Wildlife	Outstanding Natural Resource Water	Drinking Water Supply	Shell fish Propagation	Agriculture
Not Supported	Full	Not Supported	N/A	N/A	N/A	N/A

<sup>1/</sup>The designated uses and degree of support for Segment 120104 of the Terrebonne Basin are as indicated in LAC 33:IX.1123.C.3, Table (3) and the 2006 Water Quality Management Plan, Water Quality Inventory Integrated Report, Appendix A, respectively.

**VI. ENDANGERED SPECIES:**

The receiving waterbody, Subsegment 120104 of the Terrebonne Basin, is not listed in Section II.2 of the Implementation Strategy as requiring consultation with the U. S. Fish and Wildlife Service (FWS). This strategy was submitted with a letter dated November 17, 2008 from Rieck (FWS) to Nolan (LDEQ). Therefore, in accordance with the Memorandum of Understanding between the LDEQ and the FWS, no further informal (Section 7, Endangered Species Act) consultation is required. It was determined that the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat.

**VII. HISTORIC SITES:**

The discharge is from an existing facility location, which does not include an expansion beyond the existing perimeter. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the 'Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits' no consultation with the Louisiana State Historic Preservation Officer is required.

**VIII. PUBLIC NOTICE:**

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the statement of basis. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Public notice published in:

Local newspaper of general circulation

Office of Environmental Services Public Notice Mailing List

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For additional information, contact:

Mr. Eura DeHart  
Water Permits Division  
Department of Environmental Quality  
Office of Environmental Services  
P. O. Box 4313  
Baton Rouge, Louisiana 70821-4313

**IX. PROPOSED PERMIT LIMITS:**

Subsegment 120104, Bayou Grosse Tete, is not listed on LDEQ's Final 2006 303(d) list as impaired. However, subsegment 120104 was previously listed as impaired for Nitrate + Nitrite (as N), organic enrichment/low DO, pathogen indicators, TDS, and phosphorus, for which the below TMDL's have been developed. The Department of Environmental Quality reserves the right to impose more stringent discharge limitations and/or additional restrictions in the future to maintain the water quality integrity and the designated uses of the receiving water bodies based upon additional TMDL's and/or water quality studies. The DEQ also reserves the right to modify or revoke and reissue this permit based upon any changes to established TMDL's for this discharge, or to accommodate for pollutant trading provisions in approved TMDL watersheds as necessary to achieve compliance with water quality standards.

The following TMDL's have been established for subsegment 120104:

*Bayou Grosse Tete Watershed TMDL for Biochemical Oxygen-Demanding Substances and Nutrients, Including Bayou Portage and Bayou Fardoche, July 6, 2007.*

Only facilities with BOD<sub>5</sub> limitations were included in the study. The Reliable Landfill NOW Facility was not considered to have an impact on the Bayou Grosse Tete Watershed and was not considered in the TMDL. Several sanitary facilities which also discharge into Bayou Portage were considered and assumed to have no impact on Bayou Grosse Tete due to the distance traveled. However, to protect against the potential discharge of pollutants which may contribute to the organic enrichment/low DO and nutrient impairments, a COD limit is included in the permit.

LAC 33:IX.2707.D.1.f.iii allows the establishment of effluent limitations based on an indicator parameter for the pollutant of concern. LDEQ's consistent approach to controlling nutrients in similar discharges where the WQMP does not otherwise require specific nutrient limitations is achieved by limiting the discharge of oxygen-demanding substances. Compliance with the COD limitation as the indicator parameter will result in the control of nutrients from the discharge sufficient to attain and maintain the applicable water quality standard. Effluent monitoring of the indicator parameter as conducted by the permittee in accordance with Part I of the permit in addition to LDEQ's ambient water quality monitoring program will allow for further evaluation by the Department to determine the effectiveness of the limitation. The reopener clause located in Part II of the final permit allows the Department to modify or revoke and reissue the permit if the limitations as set on the indicator parameter are shown to no longer attain and maintain applicable water quality standards.

*TMDLs for Fecal Coliform Bacteria, Chlorides, Sulfates, Total Dissolved Solids (TDS), and Turbidity for Selected Subsegments in the Terrebonne Basin, Louisiana, April 19, 2007 (Fed. Reg. Notice Vol. 72, Num. 75, pages 19703-19704).*

The point sources in the Terrebonne Basin include wastewater facilities and MS4s. Wasteload allocations are based on the current permit limits and discharge flow levels. The causes of impairment of subsegment 120104 are TDS and Fecal coliforms. The suspected sources of the impairment are irrigated and nonirrigated crop production (TDS), and on-site treatment systems (fecal coliforms).

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**Fecal Coliform (Pathogen Indicators):**

The facility does not propose to discharge sanitary wastewater under this permit. Therefore, no effluent limitations are established in this permit for fecal coliform bacteria (pathogen indicators).

**Total Dissolved Solids (TDS):**

According to the report, "No domestic wastewater facilities with permit limits for chloride, sulfate, or TDS were found in the Terrebonne Basin, although it is possible that the discharges from such facilities could have slightly elevated levels of these parameters. Therefore, these facilities were given wasteload allocations (WLAs) using facility flow and water quality criteria. As long as point source discharges of treated wastewater contain parameter levels at or below these permit limits, they should not be a cause of exceedances of water quality criteria."

This facility's discharge was not considered in the TMDL for TDS. However, this permit contains a limitation for TDS consistent with the previous permit for the facility. No additional limitations of the facility will be required.

The discharges from this facility are intermittent and infrequent. Compliance with the limitations established in the permit should not result in the discharge of pollutant concentrations which would cause or contribute to further impairment of the water quality standards.

**Final Effluent Limits:****OUTFALL 001**

Final limits shall become effective on the effective date of the permit and expire on the expiration date of the permit.

<b>Effluent Characteristic</b>	<b>Monthly Avg.</b>	<b>Daily Max.</b>	<b>Basis</b>
COD	---	100 mg/l	BPJ based on previously issued water discharge permits for similar facilities/effluents and the previous LPDES permit for the facility.
Oil & Grease	---	15 mg/l	BPJ based on previously issued water discharge permits for similar facilities/effluents and the previous LPDES permit for the facility.
TSS	---	60 mg/l	BPJ based on previously issued water discharge permits for similar facilities/effluents and the previous LPDES permit for the facility.
TDS	---	500 mg/l	BPJ based on previously issued water discharge permits for similar facilities/effluents and the previous LPDES permit for the facility.
Chlorides	---	250 mg/l**	BPJ based on previously issued water discharge permits for similar facilities/effluents and the previous LPDES permit for the facility.
Total Chromium	---	0.343 mg/l	BPJ based on previously issued water discharge permits for similar facilities/effluents and the previous LPDES permit for the facility.
Total Lead	---	0.275 mg/l	BPJ based on previously issued water discharge permits for similar facilities/effluents and the previous LPDES permit for the facility.
Total Zinc	---	0.686 mg/l	BPJ based on previously issued water discharge permits for similar facilities/effluents and the previous LPDES permit for the facility.

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\*Concentration limits are used in accordance with LAC 33:IX.2709.F.1.b which states that mass limitations are not necessary when applicable standards and limitations are expressed in other units of measurement. LAC 33:IX.709.B references LAC 33:IX.711 which express BOD<sub>5</sub> and TSS in terms of concentration.

\*\*Dilution may be used to comply with the chlorided limit only after all other applicable limitations have been met prior to dilution.

**Other Effluent Limitations:****1) pH**

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units at any time. (Limits as established through BPJ considering BCT for similar waste streams in accordance with LAC 33:IX.5905.C.)

**2) Solids and Foam**

There shall be no discharge of floating solids or visible foam in other than trace amounts in accordance with LAC 33:IX.1113.B.7.

**3) Visible Sheen**

No evidence or presence of a sheen shall be observed in the effluent discharge.

**X. PREVIOUS PERMIT:**

LPDES Permit No. LA0111198:

Issued: July 22, 2004

Expired: July 31, 2009

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>		<u>Monitoring Requirements</u>	
	<u>Monthly Avg.</u>	<u>Daily Max.</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow	---	Report	1/discharge	Estimate
COD	---	100 mg/l	1/discharge	Grab
TSS	---	60 mg/l	1/discharge	Grab
TDS	---	500 mg/l	1/discharge	Grab
Chlorides	---	250 mg/l	1/discharge	Grab
Oil & grease	---	15 mg/l	1/discharge	Grab
Total Chromium	---	0.343 mg/l	1/discharge	Grab
Total Zinc	---	0.686 mg/l	1/discharge	Grab
Total Lead	---	0.275 mg/l	1/discharge	Grab
pH	6.0 (min)	9.0 (max)	1/discharge	Grab
Visible Sheen	---	No Presence	1/discharge	Grab

**XI. ENFORCEMENT AND SURVEILLANCE ACTIONS:****A) Inspections**

A review of the files indicates the most recent inspection was performed on April 1, 2008 in response to a fence around the facility that was taken down. The inspector followed up with the Department of Natural Resources. No areas of concern were noted.

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**B) Compliance and/or Administrative Orders**

A review of the files indicates that no recent compliance or administrative orders have been issued to Reliable Landfill, L.L.C. Livonia NOW facility.

**C) DMR Review**

A review of DMRs submitted between April 2007 and March 2009 revealed no violations.

The file did not contain a DMR for September 2007.

**XII. ADDITIONAL INFORMATION:**

The Louisiana Department of Environmental Quality (LDEQ) reserves the right to impose more stringent discharge limitations and/or additional restrictions in the future to maintain the water quality integrity and the designated uses of the receiving water bodies based upon additional water quality studies and/or TMDLs. The LDEQ also reserves the right to modify or revoke and reissue this permit based upon any changes to established TMDLs for this discharge, or to accommodate for pollutant trading provisions in approved TMDL watersheds as necessary to achieve compliance with water quality standards. Therefore, prior to upgrading or expanding this facility, the permittee should contact the Department to determine the status of the work being done to establish future effluent limitations and additional permit conditions.

In accordance with LAC 33:IX.2903., this permit may be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitations issued or approved under sections 301(b) (2) Cc) and CD); 304(b) (2); and 307(a) (2) of the Clean Water Act, if the effluent standard or limitations so issued or approved:

1. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
2. Controls any pollutant not limited in the permit; or
3. Require reassessment due to change in 303(d) status of waterbody; or
4. Incorporates the results of any total maximum daily load allocation, which may be approved for the receiving water body.

Please be aware that the Department has the authority to reduce monitoring frequencies when a permittee demonstrates two or more consecutive years of permit compliance. Monitoring frequencies established in LPDES permits are based on a number of factors, including but not limited to, the size of the discharge, the type of wastewater being discharged, the specific operations at the facility, past compliance history, similar facilities and best professional judgment of the reviewer. We encourage and invite each permittee to institute positive measures to ensure continued compliance with the LPDES permit, thereby qualifying for reduced monitoring frequencies upon permit reissuance. If the Department can be of any assistance in this area, please do not hesitate to contact us. As a reminder, the Department will also consider an increase in monitoring frequency upon permit reissuance when the permittee demonstrates continued non-compliance.

At present, the **Monitoring Requirements, Sample Types, and Frequency of Sampling** will be once per discharge.

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**XIII. TENTATIVE DETERMINATION:**

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to reissue a permit for the discharge described in this Statement of Basis.

**XIV. REFERENCES:**

Louisiana Water Quality Management Plan / Continuing Planning Process, Vol. 8, "Wasteload Allocations / Total Maximum Daily Loads and Effluent Limitations Policy," Louisiana Department of Environmental Quality, 2005.

Louisiana Water Quality Management Plan / Continuing Planning Process, Vol. 5, "Water Quality Inventory Section 305(b) Report," Louisiana Department of Environmental Quality, 1998.

Louisiana Administrative Code, Title 33 - Environmental Quality, Part IX - Water Quality Regulations, Chapter 11 - "Louisiana Surface Water Quality Standards," Louisiana Department of Environmental Quality, 2004.

Louisiana Administrative Code, Title 33 - Environmental Quality, Part IX - Water Quality Regulations, Subpart 2 - "The LPDES Program," Louisiana Department of Environmental Quality, 2004.

Low-Flow Characteristics of Louisiana Streams, Water Resources Technical Report No. 22, United States Department of the Interior, Geological Survey, 1980.

Index to Surface Water Data in Louisiana, Water Resources Basic Records Report No. 17, United States Department of the Interior, Geological Survey, 1989.

LPDES Permit Application to Discharge Wastewater, Reliable Landfill, L.L.C., Livonia NOW Facility, January 30, 2009.